

EXHIBIT A

UNITED STATES DISTRICT COURT
for the
Western District of New York

LAWRENCE NOWICKI

Plaintiff

CASE NO.: 1:19-CV-00124

YRC WORLDWIDE INC. a/k/a
YRC FREIGHT, and
G2 CORPORATION d/b/a SCREEN TIGHT

JURY TRIAL DEMANDED

Defendants

AMENDED COMPLAINT

Plaintiff, LAWRENCE NOWICKI, for his cause of action against the defendants alleges as follows:

I. NATURE OF THE CASE

1. This is a personal injury action for injuries suffered by the plaintiff, LAWRENCE NOWICKI, that occurred when package of screen doors he was unloading that had been manufactured, packed, shipped, palletized, and/or delivered by the defendants sprung forth from the packaging and fell on the plaintiff, causing him to suffer serious personal injuries.

II. PARTIES

2. The plaintiff, LAWRENCE NOWICKI, is an individual who at all times herein resides in the Town of Hamburg, the County of Erie, and State of New York.

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3. Upon information and belief, the defendant, YRC WORLDWIDE INC. a/k/a YRC FREIGHT ("YRC") was and is a foreign business corporation incorporated in Delaware and authorized to do business in the State of New York.

4. The defendant, YRC, conducts business in the State of New York, County of Erie, out of its main office at 66 Milens Road, Tonawanda, New York 14150.

5. Upon information and belief, the defendant, G2 CORPORATION d/b/a SCREEN TIGHT, ("G2") was and is a foreign business corporation incorporated in the State of South Carolina.

6. The defendant, G2, conducts business out of offices in South Carolina and Texas located at 1 Better Way Georgetown, South Carolina and South, 2235 I-45BL, Corsicana, TX 75110, respectively.

III. JURISDICTION, VENUE, PRIOR SUIT, AND JURY DEMAND

7. This court has jurisdiction over this matter pursuant to 28 U.S.C. 1332, because plaintiff the parties are completely diverse of citizenship.

8. The amount in controversy is more than \$75,000, not counting interest and costs of court, because the plaintiff has suffered serious personal injuries, including, but not limited to those requiring a cervical fusion surgery of the C5-C7 discs, a right knee arthroscopy with partial medial meniscectomy and chondroplasty, along with the plaintiff having suffered lost wages.

9. Venue is proper pursuant to 28 U.S.C. 1391(b) because the events giving rise to the allegations in this Complaint occurred in this district.

10. This case was originally brought in New York State Supreme Court, Erie County under Index Number 815565/2018.

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11. Defendant YRC moved to remove the case to this Court. Plaintiff thereafter filed a motion to remand. By Order of the Hon. Geoffrey W. Crawford, dated April 5, 2019, plaintiff was instructed to file an Amended Complaint adding the proper defendant, G2 Corporation.

12. Plaintiff demands a trial by jury.

IV. FACTS

13. On and prior to July 7, 2017, LAWRENCE NOWICKI was employed by the Home Depot U.S.A., Inc ("Home Depot") at the Home Depot store located at 4405 Milestrip Road, Buffalo, New York.

14. On and prior to July 7, 2017, plaintiff LAWRENCE NOWICKI, while an employee of Home Depot, routinely worked unloading packages that were delivered to the store.

15. On July 7, 2017, while in the course of his employment the plaintiff, LAWRENCE NOWICKI, was injured when a pallet of screen doors he was unloading sprung forth from the packaging and fell upon him and caused him to suffer serious personal injuries.

16. Upon information and belief, as reflected in **Exhibit A**, which is a delivery receipt provided by plaintiff's employer, the Home Depot, the screen doors that injured the plaintiff were manufactured, packed, and/or palletized by the defendant G2 at one of the their facilities located at South, 2235 I-45BL, Corsicana, TX 75110.

17. Upon information and belief, as also reflected in **Exhibit A**, the screen doors that injured the plaintiff were packed, shipped, palletized, and/or delivered to Home Depot by the defendant, YRC, and/or one of its employees or agents.

V. CAUSES OF ACTION

COUNT I: Negligence

18. Plaintiff incorporates by reference the facts as alleged in paragraphs 1-17.

19. On and before July 7, 2017, defendants, YRC and G2, owed a duty to exercise reasonable care in the packing, shipping, palletizing and/or delivering of the screen doors to ensure the safety of those who would be receiving the delivery.

20. The injuries suffered by the plaintiff, LAWRENCE NOWICKI, were caused solely as a result of the negligence of the defendants, their agents, servants and/or employees in their failure to use reasonable care in packing, shipping, palletizing, and/or delivering the pallet of screen doors.

21. As a direct and proximate result of the negligence of the defendants, when the screen doors sprung forth from the packaging and fell upon the plaintiff, plaintiff sustained serious, permanent and painful injuries by reason of which the plaintiff will suffer damages in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

VI. PRAYER FOR RELIEF

22. Wherefore, plaintiff prays for judgment against defendants, as follows:

- a. For such compensatory damages occasioned by the negligent conduct of defendants as may be proved at the trial of this cause;
- b. For his past and future medical expenses incurred and to be incurred;
- c. For his past and future lost wages and wage-earning capacity;
- d. For his lost household services;
- e. For his loss of enjoyment and quality of life;

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- f. For his costs of suit incurred herein;
- g. For pre-judgment and post-judgment interest, at the rate allowed by law, on all such amounts awarded from the date of filing this Complaint and after judgment is entered;
- h. For such other and further relief as the Court deems proper.

DATED: Buffalo, New York
May 2, 2019



ETHAN W. COLLINS, ESQ.
COLLINS & COLLINS ATTORNEYS, LLC
Attorneys for Plaintiff
267 North Street
Buffalo, New York 14201
(716) 885-9700

“
Exhibit to Plaintiff’s Amended Complaint

“Delivery Receipt”

23-17 205- /12 82026 5	NO	ORG 508	YRC TARIFFS LIMIT CARRIER'S LIABILITY. ALL FREIGHT RECEIVED IN GOOD ORDER AND SHRIMP WRAP/BANDING INTACT UNLESS NOTED
46780591 SCREEN TIGHT 2235 S BUSINESS 45 CORNICANA TX 75110	SHIP CODE 1638	TRY CASH CODE	
HOME DEPOT 4405 MILESTRIP BUFFALO NY 14219	1286	SHIP CODE	
	0.032	CACT B00	
		RECEIVED BY - PRINTED NAME	DATE 7-6
		SIGNED: Anthony Kiceo	TIME 8:09

STND APPT MTWRF 0900-1200		000000000012904	
0	493-050147-X	DESCRIPTION OF ARTICLES	
1	PLT	VINYL/METAL/WOOD SCREEN DOORS	CODE E250 WEIGHT (LB) 693 RATE COL
		NMFC-03531501 CLC300	CHARGES SCAC RDWY
		40 PCS	
		PERCENT DISCOUNT	
		GENERAL SURCHARGE (FUEL/FRT)	
1	TTL	///	
		STC	
		BL#: 000000000012904600	
		PO=86980591	

CONSIGNEE'S COPY

YRC Freight 11821 Elm Row Overland Park, KS 66211 913 9 IN 14-0422111 (1/1/19)		Customer Service Center: 1.800.610.6500	
PICKUP DATE	DESCRIPTION	SHIP CODE	ITEM/THRESHOLD
23-17 205- /12 82026 5	01 OF 01		
46780591	SHIP CODE 1638	TRY CASH CODE	
SCREEN TIGHT		SHIP CODE	
2235 S BUSINESS 45		SHIP CODE	
CORNICANA TX 75110		SHIP CODE	
HOME DEPOT		SHIP CODE	
4405 MILESTRIP		SHIP CODE	
BUFFALO NY 14219		SHIP CODE	

PRO NO	693-053670-X	***
ORG 508	YRC TARIFFS LIMIT CARRIER'S LIABILITY. ALL FREIGHT RECEIVED IN GOOD ORDER AND SHRIMP WRAP/BANDING INTACT UNLESS NOTED	
RECEIVED BY - PRINTED NAME	DATE 7-6	
SIGNED: Anthony Kiceo	TIME 8:09	

STND APPT MTWRF 0900-1200		000000000012905	
0	493-053670-X	DESCRIPTION OF ARTICLES	
1	PLT	VINYL/METAL/WOOD SCREEN DOORS	CODE E250 WEIGHT (LB) 766 RATE COL
		NMFC-03531501 CLC300	CHARGES SCAC RDWY
		44 PCS	
		PERCENT DISCOUNT	
		GENERAL SURCHARGE (FUEL/FRT)	
1	TTL	///	
		STC	
		BL#: 000000000012905124	
		PO=86984215	

PRO NO	693-053670-X	***
ORG 508	YRC TARIFFS LIMIT CARRIER'S LIABILITY. ALL FREIGHT RECEIVED IN GOOD ORDER AND SHRIMP WRAP/BANDING INTACT UNLESS NOTED	
RECEIVED BY - PRINTED NAME	DATE 7-6	
SIGNED: Anthony Kiceo	TIME 8:09	